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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 In re: } Civil No. 11md2258 AJB (MDD)
12 SONY GAMING NETWORKS AND }
13 CUSTOMER DATA SECURITY } ORDER GRANTING
14 BREACH LITIGATION } DEFENDANTS' UNOPPOSED
15 THIS DOCUMENT PERTAINS TO: } MOTION TO FILE NOTICE
ALL ACTIONS } UNDER SEAL
(Doc. No. 199)

16 Presently before the Court is Defendants Sony Computer Entertainment America,
17 LLC and Sony Online Entertainment, LLC's ("Defendants") unopposed motion to file
18 under seal a notice by settling parties. (Doc. No. 199.) For the reasons set forth below,
19 the Court **GRANTS** the motion.

20 **I. INTRODUCTION**

21 This matter arises out of a consumer class action which alleges that Sony Com-
22 puter Entertainment America, LLC, Sony Online Entertainment, LLC, and Sony Network
23 Entertainment America, Inc. ("Sony Entities") failed to provide reasonable network
24 security to safeguard Plaintiffs' personal and financial information stored on Sony's
25 network. On June 13, 2014, Plaintiffs filed a motion for preliminary approval of class
26 action settlement, (Doc. No. 190), which the Sony Entities joined (Doc. No. 191). On
27 July 10, 2014, the Court granted Plaintiffs' motion for preliminary approval of class
28 action settlement. (Doc. No. 193.) Defendants now move to file under seal a notice by

1 settling parties (“Notice”) on the grounds that the information contained in the Notice
2 discloses confidential and proprietary information that relates to Defendants’ strategic
3 business plans and operations. (Doc. No. 199, p. 2.) Defendants also assert that the
4 information is subject to contractual confidentiality obligations which would be breached
5 in the event of early disclosure. (*Id.*) Accordingly, Defendants contend good cause
6 exists to seal the Notice. (*Id.*)

7 **II. DISCUSSION**

8 Courts have historically recognized a “general right to inspect and copy public
9 records and documents, including judicial records and documents.” *Nixon v. Warner*
10 *Comm’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978). “Unless a particular court record is
11 one ‘traditionally kept secret,’ a ‘strong presumption in favor of access’ is the starting
12 point.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)
13 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)).
14 To overcome this strong presumption, a party seeking to seal a judicial record must
15 articulate a compelling reason supported by specific factual findings. *Kamakana*, 447
16 F.3d at 1178. However, the presumption in favor of public access does not apply with
17 equal force in the context of non-dispositive motions. *Id.* at 1179. In such cases, a party
18 must only demonstrate that good cause exists to justify sealing a document. *Foltz*, 331
19 F.3d at 1135.

20 The Notice was filed to apprise the Court of a development with respect to one of
21 the parties. As the Notice is not a dispositive motion, nor does the Notice relate to the
22 merits of the underlying case, the Court will apply the good cause standard applicable to
23 non-dispositive motions. *See Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir.
24 2010) (applying “good cause” standard to all non-dispositive motions because such
25 motions “are often unrelated, or only tangentially related, to the underlying cause of
26 action”).

27 Upon review of Defendants’ motion and attached declarations, the Court finds
28 Defendants have established good cause exists to maintain the Notice under seal. The


1 information contained in the Notice relates to confidential business operations and could
2 subject Defendants to potential injury in the event of premature disclosure. *See Nixon*,
3 435 U.S. at 598. Further, the Court finds Defendants' motion to seal narrowly tailored
4 and limited to include only that which is necessary to maintain the confidentiality of the
5 information at issue. As Defendants have demonstrated that the information contained in
6 the Notice relates to confidential business plans and operations, that Defendants are
7 subject to a contractual duty of confidentiality, and that harm could result to Defendants'
8 business operations if the information contained in the Notice is prematurely disclosed,
9 the Court finds good cause exists to seal the Notice.

10 **III. CONCLUSION**

11 For the reasons set forth above, the Court **GRANTS** Defendants' unopposed
12 motion to file the Notice under seal. The Clerk of Court is instructed to file the sealed
13 lodged proposed document, (Doc. No. 200), filed concurrently with the instant motion.
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16 **IT IS SO ORDERED.**

17 DATED: January 20, 2015

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20 Hon. Anthony J. Battaglia
21 U.S. District Judge
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